

ORIGINAL

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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2006 APR 27 P 12:24

U.S. DISTRICT COURT
DISTRICT OF MASS

ARY Jewelers, LLC.,)
Plaintiff,)
)
v.)
)
IBJTC Business Credit Corp. and)
David Molinario,)
Defendants.)

CIVIL ACTION NO. 04:-CV-10281-EFH

ASSENTED TO MOTION TO RE-SET TRIAL DATE

TO THE UNITED STATES DISTRICT COURT:

Plaintiff ARY Jewelers, LLC ("Plaintiff") files this Assented to Motion to Re-Set Trial Date and in support thereof would respectfully show the Court the following:


1. On February 15, 2006, the parties appeared before the Court at a pretrial conference. At this conference, the Court set the trial of this cause for September 25, 2006. Plaintiffs request that the trial be re-set due to a conflict which has recently arisen.
2. Plaintiffs' counsel is representing a party in a state court case in Texas in which the trial date was recently re-set upon a co-defendant's motion for continuance. The trial was re-set for September 25, 2006. The case is in a small county in Texas which has a traveling judge with a trial docket in the county in which the case is filed only once every 2-3 months. September 25 was the judge's available date for trial in that county and he will not have another one for 2 -3 months thereafter. This state court case will most likely not settle and will go to trial on September 25.
3. Defendants' counsel has agreed to re-set the trial of this case to a new trial date. They have

advised us that they would be available to try the case in mid-November, 2006.

WHEREFORE, Plaintiff and Defendants ask that this Motion be granted and that the trial be re-set from September 25, 2006 to another date no earlier than mid-November, 2006.

Respectfully submitted,

THE CARRIGAN LAW FIRM, L.L.P.

By: 
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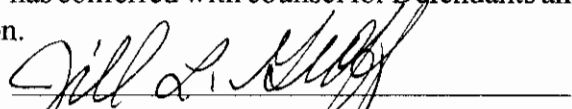
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Of Counsel for Plaintiff

CERTIFICATE OF CONFERENCE

This is to certify that the undersigned attorney has conferred with counsel for Defendants and the same agrees to the relief requested in this Motion.



Stephen P. Carrigan/Jill L. Groff

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Assented to Motion to Re-Set Trial Date was served to each person listed below by certified mail, return receipt requested, facsimile and/or hand delivery on the 21st day of April, 2006.

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